



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,341	10/17/2003	Robert M. Ransom	WEC-131-A	7081

7590 03/13/2007
Marshall G. MacFarlane
YOUNG & BASILE, P.C.
Suite 624
3001 West Big Beaver Road
Troy, MI 48084-3107

EXAMINER

GROSSO, HARRY A

ART UNIT	PAPER NUMBER
----------	--------------

3781

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/687,341

Applicant(s)

RANSOM, ROBERT M.

Examiner

Harry A. Grosso

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 7, 10, 13, 14 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 10, 13, 14 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 8, 2007 has been entered.

Claim Objections

Claim 21 is objected to because of the following informalities: the claim has the phrase "wherein said substantially planar floor is flexible and substantially impermeable" in lines 3-4 and then repeats the phrase in line 7.

Claim 21, line 6 contains the phrase "an affixed." It appears this should read as "and affixed."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 contains the phrase "a three top edge" in line 8. It is unclear what is intended by this phrase.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 10 and 21-23 are rejected under 35 U.S.C. 102(a or e) as being anticipated by Wang (2003/0183629, October 2, 2003).

3. Regarding claim 1, Wang discloses a liner capable of being used in a vehicle storage area (Figures 1-3, paragraphs 0013 and 0014) with a flexible impermeable floor (18) and wall (16), a sleeve surrounding and affixed to the floor (14) and a resilient frame (12). The wall is normal to the floor (Figure 3).

4. Regarding claim 10, Wang discloses the liner has a collapsed and uncollapsed orientation and a container (24, Figures 2-5).

5. Regarding claim 21, Wang discloses the liner capable of being used in a vehicle storage area (Figures 1-2) with an impermeable floor (18) and wall (16), where the floor and the wall are describe as separate pieces of material in Figures 1 and 2 (see paragraphs 0013 and 0014), a substantially upright sleeve surrounding and affixed to the floor (14) and a resilient frame (12). The wall is substantially normal to the floor.

Art Unit: 3781

6. Regarding claim 22, the planar floor would define an upwardly-facing surface exposed to the storage area when the walls and the floor are separate pieces of material.

7. Regarding claim 23, the liner has a collapsed and uncollapsed orientation.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Behlman, of record. Wang discloses the invention as discussed in claim 1 above except for the fastener means. Behlman discloses a protective liner for use in the cargo area of a vehicle and further discloses that the liner is secured in the cargo area by the use of a hook and loop type gripper (43, Figure 1 and column 3, lines 57-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a hook and loop type gripper as disclosed by Behlman with the protective liner disclosed by Wang to allow securing of the liner in position in the cargo area.

10. Regarding claim 14, Wang discloses the liner has a collapsed and uncollapsed orientation and a container (24, Figures 2-5).

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Cesare, of record. Wang discloses the invention except for the liner substantially

Art Unit: 3781

the same shape and size as the shape and size of the vehicle storage area. Cesare discloses a protective liner in the shape and size of a vehicle storage area, a pickup truck bed, to allow use of the entire bed for storing possessions (column 1, line 66 to column 2, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a protective liner in the shape of a vehicle storage area as disclosed by Cesare with the protective liner disclosed Wang to allow use of the entire storage area for storing goods.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang as modified by Behlman in view of Cesare. Wang as modified by Behlman discloses the invention except for the liner substantially the same as the shape and size of the vehicle storage area. Cesare discloses a protective liner in the shape and size of a vehicle storage area, a pickup truck bed, to allow use of the entire bed for storing possessions (column 1, line 66 to column 2, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a protective liner in the shape of a vehicle storage area as disclosed by Cesare with the protective liner disclosed Wang as modified by Behlman to allow use of the entire storage area for storing goods.

Response to Arguments

13. Applicant's arguments submitted with the amendment filed January 8, 2007 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3781

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anthony Stashick
Supervisory Patent Examiner
Art Unit 3781

hag

